



FOLEY &amp; LARDNER LLP

## ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200  
 SAN DIEGO, CA 92130  
 P.O. BOX 80278  
 SAN DIEGO, CA 92138-0278  
 TELEPHONE: 858.847.6700  
 FACSIMILE: 858.792.6773  
 WWW.FOLEY.COM

RECEIVED  
 CENTRAL FAX CENTER

AUG 15 2006

## FACSIMILE TRANSMISSION

Total # of Pages 9 (including this page)

TO:	PHONE #:	FAX #:
Examiner Sumesh Kaushal Group Art Unit: 1636 Commissioner for Patents	(571) 272-0769	(571) 273-8300

<p>From : Karin M. Gerstin <i>KMG</i></p> <p>Email Address : kgerstin@foley.com</p> <p>Sender's Direct Dial : (858) 847-6716</p> <p>Date : August 15, 2006</p> <p>Client/Matter No : 041673-1001</p> <p>User ID No : 08947</p>
--

## MESSAGE:

Re: United States Patent Application No. 09/954,571

Following are:

1. Request for Continued Examination (RCE) Transmittal with Petition for Extension of Time and Deposit Account Paragraph, in duplicate (8 pgs.)

If there are any problems with this transmission or if you have not  
 received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Mercedes F. "Ched" Dipasupil
-----------	------------	---

**CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.**

Cover Page 1 of 1

DLMR\_288954.1

AUG 15 2006

Atty. Dkt. No. 041673-1001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Chien  
Title: HIGH EFFICIENCY  
CARDIAC GENE  
TRANSFER  
Appl. No.: 09/954,571  
Appl. Filing Date: 09/11/2001  
Examiner: Kaushal, Sumesh  
Art Unit: 1636  
Confirmation  
Number: 7236

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Mercedes F. Dipasupil (Printed Name)  <i>Mercedes F. Dipasupil</i> (Signature)  August 15, 2006 (Date of Deposit)
---

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of a civil action under 35 U.S.C. § 145 or § 146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. § 1.114: (check items that apply)

a. Previously submitted:

DLMR\_286891.1

-1-

08/16/2006 HUJING1 00000023 500872 09954571  
01 FC:2801 395.00 DA  
02 FC:2253 450.00 DA

Atty. Dkt. No. 041673-1001

☒ Please enter and consider the amendment and/or reply previously filed on August 11, 2006.

☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_\_ but not considered.

☐ Please consider the arguments in the Appeal Brief or Reply previously filed on \_\_\_.

☐ Other \_\_\_.

b. Enclosed are:

☐ Amendment/Reply.

☐ Affidavit(s)/Declaration(s).

☐ Information Disclosure Statement.

☐ Form PTO-1449 with copies of \_\_\_ listed reference(s).

☐ Other .

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$790.00	= \$790.00
Total Claims:	24	- 86	= 0	x \$50.00	= \$0.00
Independents	2	- 3	= 0	x \$200.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$360.00	= \$0.00
CLAIMS FEE TOTAL:					= \$790.00

Atty. Dkt. No. 041673-1001

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$120.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00		\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00		\$1020.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00		\$0.00
EXTENSION FEE SUBTOTAL:				\$1020.00
EXTENSION FEE ALREADY PAID: -				\$120.00
EXTENSION FEE TOTAL				\$900.00
CLAIMS AND EXTENSION FEE TOTAL:				\$1690.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$845.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:				\$845.00

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please charge Deposit Account No. 50-0872 in the amount of \$845.00. A duplicate copy of this transmittal is enclosed.

Atty. Dkt. No. 041673-1001

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date August 15, 2006

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6720  
Facsimile: (858) 792-6773

By Stacy L. Taylor

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842  
By Karin Gerstin, Patent Agent  
Registration No. 54,119